IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 17859 of 2004

Between:

1 Smt. V. Latha D/o. V. Laxminarayana,
D.No. 12/230, Prodduturu Mandal, Cuddapah District.
2 P. Ranganna S/o. P. Chennaiah,
3/4 Ward, Fair Price Shop Dealer of Prodduturu V&M, Cuddpah District.

..... PETITIONERS

AND

1 The Joint Collector, Cuddapah District.
2 The Revenue Divisional Officer, Jammala Madugu Mandal,

Cuddapah District.
3 The Mandal Revenue Officer, Prodduturu Mandal, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue any appropriate writ order or direction particularly one in the nature of writ of mandamus under the Article 226 of the constitution of India, declaring the action of the 2nd respondent is issuing the impugned orders in ref.B/1000/2004, dt. 20.9.2004, and ref. B/1025/2004, dt. 20.9.2004 suspending the authorisation of the petitioners fair price shop of Virat nagar, and 3/4 Ward, F.P. Shop, Prodduturu Town,Prodduturu Mandal respectively is as arbitrary and illegal without jurisdiction and violative of Article 14, 16 and 21 of the Constitution of India and consequently set-aside the impugned proceedings enabling the petitioners to function on Fair Price Shop dealers.

Counsel for the Petitioner: MR.G.CHANDRAIAH

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The learned Government Pleader for Civil Supplies, who files vacate stay petition on behalf of the respondents, submits that this writ petition has been filed questioning the order of the Revenue Divisional Officer, Jammala Madugu Mandal, Cuddapah District, in suspending the Fair Price Shop dealership of the petitioners pending enquiry. The Fair Price Shop dealerships of the petitioners have been suspended by different orders on 20.9.2004 on certain allegations.

Admittedly, the impugned orders have been passed pending enquiry. Time and again this Court held that the suspension can never be treated as punishment and it is not an ancillary action for cancellation of the dealership or licence, as the case may be. The learned Government Pleader for Civil Supplies relies on the judgment of the Division Bench of this Court in *R.Sankar Naik v. R.Chowla Naik* wherein it has been held that suspension of order of suspension made pending enquiry cannot be made and dealer cannot be permitted to continue as dealer as an interim measure.

In view of the aforesaid Division Bench judgment of this Court, the writ petition is, accordingly, dismissed at the admission stage.

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(V.ESWARAIAH, J.)

21.4.2005

kpr

To

1 The Joint Collector, Cuddapah District.
2 The Revenue Divisional Officer, Jammala Madugu Mandal,

Cuddapah District.
3 The Mandal Revenue Officer, Prodduturu Mandal, Cuddapah District.

4 2 copies to the Govt. Pleader for Civil Supplies, High Court buildings, Hyderabad (O.U.T.)

5 2 C.D. copies